

Attorney Docket No. 52493.000367

Application. No. 10/777,649

**REMARKS**

Applicant has carefully reviewed the Office Action. Claims 1-22 are pending in the application.

Reconsideration of the outstanding rejections in the present application are requested based on the following remarks.<sup>1</sup>

**A. Rejection of Claims 1-3, 6, 10-11, and 16-21 under 35 U.S.C. § 103(a)**

In the Office Action, claims 1-3, 6, 10-11, 16-20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable by US Patent Number 6,151,584 to Papierniak in view US Patent Application Publication 2004/0044763 to Besson and in even further view of US Patent Number 7,325,076 to Morrison.

Applicant has carefully considered the comments in the Office Action. Applicant traverses the new grounds of rejection, based on Papierniak and the other applied art, for the reasons set forth below.

Applicant respectfully submits that the Office Action fails to establish a *prima facie* case of obviousness. As recited in Section 2142 of the MPEP, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second,

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<sup>1</sup> As Applicant's remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicant's silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., assertions regarding dependent claims, whether a reference constitutes prior art, whether references are legally combinable for obviousness purposes) is not a concession by Applicant that such assertions are accurate or such requirements have been met, and Applicant reserves the right to analyze and dispute such in the future.

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there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) **must teach or suggest all the claim limitations**. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 2 USPQ2d 1438 (Fed. Cir. 1991).

Neither Papierniak nor the other applied art, singularly or in combination, teach or suggest a system as recited in claim 1 including, in particular:

...  
a data collector tool, which processes entered data that is entered by the data entry operator, onto an internal electronic form, based on the submitted data submitted by the applicant, the data collector including:

a **form flow portion** that presents the data entry operator with a series of form flows for collection of the submitted data, the form flows progressing through various user interface screens in collection of the submitted data, the form flows using content sensitive logic; and

a metadata portion that generates metadata, the metadata containing information about the entered data, **the metadata being progressively generated during progression of the form flows through the various user interface screens**.

(Emphasis added).

While Applicant acknowledges that patentability is based on the claimed invention, as exemplary background of the invention, Applicant notes the present application:

Essentially, the formflow serves as a digital "script" that guides the DEO, for example, through the data entry process in a predetermined manner, which is deemed by the designers of the script to be the most logical and/or efficient manner. Content sensitive logic is an integral part of the formflow concept. That is, certain data elements are presented to the DEO only when appropriate and relevant. Again, this logic is built into the formflow "script" to reduce screen clutter, eliminate distractions to the DEO, and to reduce opportunities for human error. Content sensitive logic features as described herein might be characterized as a feature that progressively discloses further fields (for the data entry operator to complete) based on the content of a field currently displayed.

*U.S. Patent Application 2005/0182667* at para. [0032].

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Hence, the content sensitive logic feature may be characterized, illustratively, as a feature that progressively discloses further fields (for the data entry operator to complete) based on the content of a field currently displayed.

Applicant submits that in particular the rejection is deficient in that Papierniak fails to teach the features for which Papierniak is relied upon, as asserted in the pending Office Action, at page 3, lines 10-13. Specifically, Papierniak fails to teach the claimed "metadata portion that generates metadata, the metadata containing information about the entered data, the **metadata being progressively generated during progression of the form flows** through the various user interface screens."

On page 3, lines 5-8, the Office Action appears to rely upon Papierniak's "interview templates and/or forms" as described in column 22, lines 6-13 of Papierniak.

The Office Action further asserts that Papierniak teaches:

a metadata portion that generates metadata, the metadata containing information about entered data, **the metadata being progressively generated during progression of the form flows** through the various user interface screen (Papierniak: Col. 12, Ln. 2-16 and Col. 21, Ln. 7-10).

(emphasis added)

Applicant submits that Papierniak fails to teach such features. That is, the Office Action, as set forth above, establishes the metadata of Papierniak that is being relied upon - so as to allegedly constitute the claimed metadata. In column 12, lines 2-16, Papierniak describes:

... A SmartEC Decisions server 250 according to one embodiment of the present invention, gathers information dynamically from one or more data sources, which may be located at different servers and may have incompatible formats, and outputs the information for the user according to predetermined criteria discussed below.

Further, thereafter, Papierniak explains:

The predetermined criteria may be defined by human operators according to their own needs, purposes, and preferences as part of the configuration of the server. Alternatively, the predetermined criteria may be determined based on system-defined user privileges.

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For example, users with a higher clearance, or security level may be able to obtain more information than users with a lower clearance, or security level. Multiple information models and visual representations may be defined for any server.

However, the alleged "form flows" as relied in the Office Action (page 3, lines 5-8) appear disassociated with the relied upon metadata, i.e., in contrast to the alleged association. Thus, since Papierniak fails to teach the claimed association between the "metadata" and the "form flows" Papierniak fails to support the assertions in the Office Action. Accordingly, Applicant submits that the rejection under 35 U.S.C. 103 is deficient.

That is, Applicant submits that claim 1 clearly recites an interrelationship between the claimed metadata and the progression of the form flows, as set forth in the above claim language. However, the assertions in the Office Action and the teachings of Papierniak do not appear to address (nor does Papierniak disclose such association).

Relatedly, Applicant notes the Office Action's reliance on Papierniak in column 21, lines 7-10. Therein and in the paragraphs prior thereto, Papierniak describes

The service practitioners or customer IS managers/staff, then, integrates the updated business requirements with service processes to understand, determine and implement what are required to add, delete, modify and inquire against the core design of the **metadata**. This step allows the **customization of the metadata** where a meaningful interaction with specific customer problems can be based upon. This customization of the metadata enables customers to make the design suit for their specific business rules and data requirements. The customized design also allows the evolution of the core design by incorporating the important requirements of the customer feedback.

Based on the customized design of the metadata, customized forms and templates can be produced dynamically via the **interaction between service practitioners/customer IS staff and customer operation managers**. As such, the customer operation requirements are fulfilled. The output of the data collection templates is a set of formatted files ready to be loaded into the data warehouse.

In the meantime, the customized metadata can also allow customers to size the required data warehouse via a set of questions and algorithms. The sizing information enables customers to do meaningful capacity planning.

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Finally, if customers request to see the status of the current metadata or the stage of the data collection process. Metadata printed reports provide complete information set available for status check.

(emphasis added)

However, such disclosure of Papierniak also fails to teach the claimed "metadata portion that generates metadata, the metadata containing information about the entered data, the metadata being **progressively generated** during progression of the form flows through the various user interface screens." Instead, as Papierniak describes in the excerpt above, it appears that Papierniak simply relates to - that IS managers can customize the metadata. Such is fundamentally different from the claimed interrelationship between the metadata and the progression of the form flows.

Further relatedly, Applicant notes the rejection of claim 3 on page 4, lines 9-11 of the Office Action. Such relied upon disclosure of Papierniak (col. 19, lines 4-11) also appears unrelated (to the column 22, lines 6-13, interview templates of Papierniak (relied upon on page 3, lines 5-8 of the Office Action)).

Accordingly, since Papierniak fails to teach the very features upon which Papierniak is relied upon, and the Office Action does not rely on the other applied art to teach such features, Applicant submits that the 35 U.S.C. 103 rejection is deficient.

For at least these reasons, the Office Action fails to meet the *prima facie* burden of obviousness with respect to claim 1 of the present application. Independent claims 17, 21, and 22 are patentable over the applied art for at least some of the reasons set forth above with respect to claim 1.

For at least these reasons, independent claims 1, 17, 21, and 22, as well as the rejected dependent claims are patentable over the applied art. Since the dependent claims are patentable

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over the applied art based on their dependency on the allowed independent claims, the undersigned representative will not address the arguments with respect to these claims and reserves the right to address these arguments at a later time. Withdrawal of the rejection of such claims is requested.

**B. Rejection of Claims 12-13 under 35 U.S.C. 103(a)**

Claims 12 - 13 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Papierniak in view of Besson in view of Morrison and in further view of U.S. Patent 6,415,284 to D'Souza. This rejection is traversed.

Since claims 12 - 13 are dependent on allowable independent claim 1 and since D'Souza does not cure the deficiencies of Papierniak and Besson in view of Morrison with respect to claim 1, dependent claims 12 - 13 are allowable as well. Therefore, the undersigned representative will not address the arguments with respect to such claims and reserves the right to address these arguments at a later time. Withdrawal of the rejection of claims 12 - 13 is requested.

**C. Rejection of Claims 4 & 5 and 22 under 35 U.S.C. 103(a)**

Claims 4 and 5, as well as claim 22, stand rejected under 35 U.S.C. 103(a) as being unpatentable over Papierniak in view of Besson in view of Morrison and in further view of U.S. Patent Application 2004/0123202 to Talagala ("Talagala"). This rejection is traversed.

Since claims 4 and 5 are dependent on allowable independent claim 1 and since Talagala does not cure the deficiencies of Papierniak and Besson in view of Morrison with respect to claim 1 nor claim 22 (as discussed above), dependent claims 4 and 5, and claim 22, are allowable as well. Therefore, the undersigned representative will not address the arguments with respect to

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such claims and reserves the right to address these arguments at a later time. Withdrawal of the rejection is requested.

**D. Rejection of Claims 7-9 under 35 U.S.C. 103(a)**

Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Papierniak in further view of further view of US Patent Number 7,117,450 to Chaudhri.

**As asserted in Applicant's prior response, this rejection is improper in that claim 1, the parent claim of claims 7-9, is rejected based on Papierniak in view of Besson in view of Morrison, but this rejection does not assert that the rejection of claims 7-9 rely on Besson in view of Morrison.**

Since claims 7-9 are dependent on allowable independent claim 1 and since Chaudhri does not cure the deficiencies of Papierniak in view of Besson and Morrison, as discussed above, dependent claims 7-9 are allowable as well.

Further, since Applicant respectfully submits that this rejection is improper, the undersigned representative will not address the arguments with respect to these claims and reserves the right to address these arguments at a later time. Withdrawal of the rejection of claims 7-9 is requested.

**E. Rejection of Claim 14 under 35 U.S.C. 103(a)**

Claim 14 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Papierniak in view of Besson in view of Morrison in view of D'Souza and in further view of US Patent Number 6,731,993 to Carter.

Since claim 14 is dependent on allowable independent claim 1 (via claim 12) and since Applicant submits that the teachings of Carter, even if applied to the teachings of Papierniak and

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Besson in view of Morrison and D'Sousa as proposed in the Office Action, does not cure the deficiencies described above with respect to claim 1, dependent claim 14 is allowable as well.

Withdrawal of the rejection of claim 14 is requested.

**F. Conclusion**

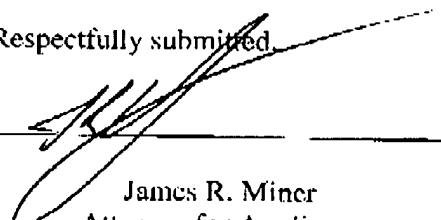
The foregoing is submitted as a full and complete Response to the pending Office Action. Early and favorable consideration of the claims is requested. If the Examiner believes any informalities remain in the application which may be corrected by Examiner's Amendment, or if there are any other issues which may be resolved by telephone interview, a telephone call to the undersigned attorney at (703) 714-7449 is respectfully solicited.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 50-0206, and please credit any excess fees to such deposit account.

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